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SENATE MEMORIAL 90

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

John C. Ryan

A MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO MONITOR THE AMERICAN  
MEDICAL ASSOCIATION'S DEVELOPMENT OF A HEALTH INSURER CODE OF  
CONDUCT AND TO PROMOTE COMPLIANCE BY INSURERS WITH THE CODE  
WHEN IT IS PROMULGATED.

WHEREAS, New Mexicans face numerous challenges pertaining  
to health insurance, whether they have full coverage, less than  
adequate coverage or no coverage at all; and

WHEREAS, in uncertain economic times, affording health  
insurance is becoming more difficult for many businesses and  
citizens; and

WHEREAS, providers of health care, particularly physicians  
and hospitals, are subjected to health plan intrusions into  
clinical decision-making that compromise clinical autonomy of  
physicians and are not in the best interest of the patient,

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1 resulting in significant increases in the cost of health care;  
2 and

3 WHEREAS, these intrusions include diagnostic studies and  
4 limitations, therapeutic requirements that may involve  
5 questionable payments to physicians and others and restrictive  
6 formularies and prescribing practices; and

7 WHEREAS, to help curtail skyrocketing health care costs,  
8 the health care industry must establish policies and practices  
9 to allow physicians and others to make decisions based on  
10 patient needs without creating roadblocks to appropriate  
11 treatment, to ease the denial and preauthorization process and  
12 to become more transparent; and

13 WHEREAS, the American medical association unanimously  
14 adopted a resolution calling for a health insurer code of  
15 conduct that would address medical care policies and payment  
16 issues; and

17 WHEREAS, the code of conduct will be a valuable tool for  
18 citizens and businesses to provide information that would  
19 affect decision-making with respect to choice of insurers; and

20 WHEREAS, the voluntary code of conduct will also benefit  
21 patients, physicians and other health care providers by  
22 challenging health plans to modify their restrictive practices;  
23 and

24 WHEREAS, monitoring compliance with the health insurer  
25 code of conduct may provide valuable data to inform the public

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1 and may also generate support for advocacy efforts; and

2 WHEREAS, compliance data could provide consumers with an  
3 additional tool for comparing health plans during enrollment  
4 periods and could help consumers understand all the factors  
5 that go into the choices their physicians make when prescribing  
6 medicines; and

7 WHEREAS, the availability of compliance data to consumers  
8 will motivate health plans to modify unacceptable practices;

9 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
10 OF NEW MEXICO that the department of health be requested to  
11 monitor the development by the American medical association of  
12 the health insurer code of conduct and provide input if  
13 appropriate; and

14 BE IT FURTHER RESOLVED that the secretary of health  
15 promote compliance by insurers with the health insurer code of  
16 conduct when it is promulgated; and

17 BE IT FURTHER RESOLVED that a copy of this memorial be  
18 transmitted to the secretary of health.